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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,445	03/29/2001	Shuji Nakayama	KOKU-0005	6650

7590 03/10/2004

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EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
2682	3

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/820,445

Applicant(s)

NAKAYAMA, SHUJI

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the information" in line 24. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-8, 10-11, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillig et al. (US 5,127,042).

Regarding claim 1, Gillig teaches a method of communicating via a wireless portable device, (fig. 2) comprising: providing a predetermined number of channels in the wireless portable device (col. 2, lines 53-55); providing a predetermined set of actions to be performed using the channels (col. 3, lines 36-65); selecting at least one of the channels (col. 3,

lines 36-65); selecting one of the actions to be performed on the selected one of the channels; and performing the selected one of the actions on the selected one of the channels (col. 3, lines 36-65).

Regarding claim 8, Gillig teaches wireless portable apparatus (figs. 2, 9) for communicating through multiple channels, comprising:  
a predetermined number of pairs of a transmitter and a receiver 110, 120 (fig. 2) for supporting multiple channels (col. 2, lines 52-55), a control unit 130 (fig. 2) connected to said pairs of said transmitter and said receiver for selectively performing a task using at least one of said pairs of said transmitter and said receiver in response to a control signal (col. 3, lines 36-65); and an input device 140 connected to said control unit for inputting the control signal, tile control signal being indicative of the task as well as the one of said pairs of said transmitter and said receiver (col. 6, lines 55-56).

Regarding claims 3 and 10, Gillig also teaches that the predetermined set of the actions includes on-hooking and off-hooking (col. 4, line 38, fig. 9, SELECT 1-2).

Regarding claims 4 and 11, Gillig also teaches a display unit (col. 4, lines 41-43 ) connected to said control unit for displaying the data

information in a predetermined manner for each of the multiple channels; and a speaker 162 (fig. 2) for outputting the voice information.

Regarding claim 5, Gillig also teaches that the information includes availability of each of the channels (col. 8, lines 35-37).

Regarding claim 6, Gillig also teaches that the selecting one of the channels is accomplished by pressing an off-hook key that corresponds to the selected one of the channels (fig. 9, SELECT 1, 2).

Regarding claim 13, Gillig also teaches that said display unit displays availability of each of the multiple channels (col. 4, lines 41-45).

Regarding claims 7, 14, Gillig also teaches that said input device includes a selection key for selecting the one of the multiple channels (col. 4, line 66 through col. 5, line 12 and col. 6, line 53 through col. 7, line 15).

Regarding claim 15, Gillig also teaches that said input device includes pairs of an off-hook key and an on hook key corresponding to each of the multiple channel respectively for activating and deactivating the multiple channels (fig. 9, SELECT 1, 2).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillig in view of Tran et al. (US 5,127,042).

Regarding claims 2, 9, Gillig fails to teach that said transmitter and said receiver communicate any combination of voice information and data information. In an analogous art, Tran teaches that a dual mode wireless portable device can be used for voice and data communication (col. 2, lines 21-25, col. 5, lines 57-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide both data and voice communication of Tran to the dual mode portable of Gillig so that not only voice but also data can be used in communication.

Regarding claim 12, Gillig as modified by Tran also teaches an input port 122 (fig. 2 of Tran) connected to said control unit for inputting the data information; a voice input unit 124 (fig. 2 of Tran) connected to said control

unit for inputting the voice information; and an output port 122 (fig. 2 of Tran) connected to said control unit for outputting the data information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

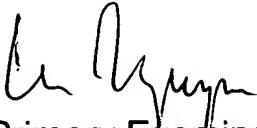
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LEE NGUYEN



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Art Unit: 2682

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Primary Examiner  
Art Unit 2682

8/5/04